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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,566	06/15/2005	Jong Chul Ye	US 020540	9059
24737 7590 10/13/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER TORRENTE, RICHARD T				
ART UNIT 2482		PAPER NUMBER		
MAIL DATE 10/13/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,566

Applicant(s)

YE ET AL.

Examiner

RICHARD TORRENTE

Art Unit

2482

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim(s) 1-4, 6-8, 10-13 and 15 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "the plurality of equal priority partitions" in line 11. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 6 recites the limitation "the plurality of equal priority partitions" in line 7. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 11 recites the limitation "the plurality of equal priority partitions" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-4, 6-8, 10-13 and 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Puri et al. (NPL Forward Error Multicast) (IDS).

Regarding claim 1, Puri discloses a method of multiple description channel coding of video data using forward error correction (see abstract), the method comprising the steps of: receiving input video data (see "raw video" in fig. 1); determining DCT coefficients (see "encoder" in fig. 1 and mpeg in column 1, page 745, wherein it is inherent that DCT coefficients are processed in encoding) for the video data; coding the DCT coefficients into a base layer bitstream and an enhancement layer bitstream (see "layered representation" in column 2, page 745) according to a fine-granular scalability coding (see multiresolution in column 2, page 745); converting the base layer bitstream and the enhancement layer bitstream into a plurality of equal priority descriptions (see "non-prioritized MD packet" in column 1, page 746); and wherein the plurality of equal priority partitions is comprised of partitions generated from the base and enhancement layer bitstreams (see fig. 2; see fig. 3) and a forward error correction (FEC) code (see "FEC" in fig. 1; see fig. 3) according to predetermined criteria (see "N-description" in fig. 3) and allowing a fractional number of descriptions (see "fraction of packets" in column 1, page 746).

Regarding claims 2 and 12, Puri further discloses comprising the step of transmitting the converted descriptions layers over different transmission channels (see "multicast" in title).

Regarding claims 3, 7 and 13, Puri further discloses comprising the step of decoding the plurality of equal priority descriptions (see "transcoder" in fig. 1).

Regarding claim 4, Puri further discloses wherein the decoding step is performed based on at least one of the plurality of equal priority descriptions (see "transcoder" in fig. 1).

Regarding claim 10, Puri further discloses wherein the plurality of equal priority partitions is generated from the base and enhancement layer (see fig. 2) and a forward error correction (FEC) code.

Regarding claim 6, the claim(s) recite analogous limitations to claims 1 and 2, and is/are therefore rejected on the same premise.

Regarding claims 8 and 15, Puri further discloses wherein the decoding means is an MPEG-4 decoder (see column 2, page 745).

Regarding claim 11, the claim(s) recite analogous limitations to claim 1, and is/are therefore rejected on the same premise.

Response to Arguments

Applicant's arguments filed 9/10/10 have been fully considered but they are not persuasive. Applicant argued that Puri does not disclose "These equal-priority partitions can be generated easily by alternatively skipping the bit plane for certain blocks with the partitions being orthogonal to each other and having equal priority" and "reconstructed video is drift-free". The features upon which applicant relies (i.e., "These equal-priority partitions can be generated easily by alternatively skipping the bit plane for certain blocks with the partitions being orthogonal to each other and having equal priority" and "reconstructed video is drift-free") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant also argued that Puri does not disclose "wherein the plurality of equal priority partitions is comprised of partitions generated from the base and enhancement layer bitstreams and a forward error correction (FEC) code according to predetermined criteria and allowing a fractional number of descriptions". The examiner respectfully disagrees. Puri discloses wherein the plurality of equal priority partitions is comprised of partitions generated from the base and enhancement layer bitstreams (see fig. 3 and non-prioritized description N) and a forward error correction (FEC) code (see fig. 3) according to predetermined criteria (see "N-description" in fig. 3) and allowing a fractional number of descriptions (see "fraction of packets" in column 1, page 746). Note that amended claims 6 and 11 do not include the element "multiple description channel coding of video data using forward error correction" in amended

claim 1. The Examiner recommends to also incorporate the amended element in future amendments of claims 6 and 11.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **RICHARD TORRENTE** whose telephone number is (571) 270-3702. The examiner can normally be reached on M-F: 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Young Lee/
Primary Examiner, Art Unit 2482

/Richard Torrente/
Examiner, Art Unit 2482